



DEPARTMENT OF HUMAN RESOURCES  
EMPLOYMENT SECURITY ADMINISTRATION

1100 NORTH EUTAW STREET  
BALTIMORE, MARYLAND 21201

383 - 5032

- DECISION -

STATE OF MARYLAND

HARRY HUGHES  
Governor

KALMAN R. HETTLEMAN  
Secretary

BOARD OF APPEALS

THOMAS W. KEECH  
Chairman

HAZEL A. WARNICK  
MAURICE E. DILL  
Associate Members

SEVERN E LANIER  
Appeals Counsel

DECISION NO.: 127-BR-83

DATE: January 24, 1983

APPEAL NO.: 09326

S. S. NO.:

CLAIMANT: Rita B. Silwick

EMPLOYER: Baltimore County Schools

L. O NO.: 40

APPELLANT: CLAIMANT

ISSUE Whether the Claimant is eligible for benefits within the meaning of §4(f)4 of the Law.

NOTICE OF RIGHT OF APPEAL TO COURT

YOU MAY FILE AN APPEAL FROM THIS DECISION IN ACCORDANCE WITH THE LAWS OF MARYLAND. THE APPEAL MAY BE TAKEN IN PERSON OR THROUGH AN ATTORNEY IN THE SUPERIOR COURT OF BALTIMORE CITY, OR THE CIRCUIT COURT OF THE COUNTY IN MARYLAND IN WHICH YOU RESIDE.

THE PERIOD FOR FILING AN APPEAL EXPIRES AT MIDNIGHT February 23, 1983

- APPEARANCES -

FOR THE CLAIMANT:

FOR THE EMPLOYER:

REVIEW ON THE RECORD

The record shows that the Claimant was notified by the local office of the agency that it was not necessary to file an appeal of the Appeals Referee's decision because the agency would handle it for her. Under these unusual circumstances, the Claimant's dissatisfaction with the decision, expressed verbally to the local office, will be accepted by the Board as a timely appeal of the Appeals Referee's decision.

Concerning the merits of the case, the Board reverses the decision of the Appeals Referee. As the Board has made clear in the past, a disqualification under §4(f)4 of the Law is a disqualification only from benefits which are based on the educational earnings. Benefits based on other earnings may still be payable. See, the Board's decision in Howard County Board of Education, 1-EA-82, and Saxon v. Frederick County Board of Education, 655-BR-82.

DECISION

The Claimant is not disqualified, under §4(f)4 of the Law from the receipt of benefits based on service other than service for an educational institution. The local office is instructed to calculate any benefits the Claimant may have been eligible for based on such non-educational service.

K:D  
dp

COPIES MAILED TO:

CLAIMAINT

EMPLOYER

UNEMPLOYMENT INSURANCE - EASTPOINT



DEPARTMENT OF HUMAN RESOURCES  
 EMPLOYMENT SECURITY ADMINISTRATION  
 1100 NORTH EUTAW STREET  
 BALTIMORE, MARYLAND 21201  
 383 - 5040

BOARD OF APPEALS

STATE OF MARYLAND  
 HARRY HUGHES  
 Governor  
 KALMAN R. HETTLEMAN  
 Secretary

THOMAS W. KEACH  
 Chairman

— DECISION —

HAZEL A WARNICK  
 MAURICE E. DILL  
 Associate Members

SEVERN E. LANIER  
 Appeals Counsel

MARK R. WOLF  
 Administrative Hearings Examiner

CLAIMANT: Rita B. Silwick  
 DATE: 8/19/82  
 APPEAL NO.: 09326  
 S. S. NO.:  
 EMPLOYER: Baltimore County Schools  
 L. O. NO.: 40  
 APPELLANT: Claimant

ISSUE: Whether the claimant is eligible for benefits within the meaning of Section 4(f)4 of the Law.

NOTICE OF RIGHT TO PETITION FOR REVIEW

ANY INTERESTED PARTY TO THIS DECISION MAY REQUEST A REVIEW AND SUCH PETITION FOR REVIEW MAY BE FILED IN ANY EMPLOYMENT SECURITY OFFICE, OR WITH THE APPEALS DIVISION, ROOM 515, 1100 NORTH EUTAW STREET, BALTIMORE, MARYLAND 21201, EITHER IN PERSON OR BY MAIL.

THE PERIOD FOR FILING A PETITION FOR REVIEW EXPIRES AT MIDNIGHT ON Sept. 3, 1982

APPEARANCES -

FOR THE CLAIMANT:

Claimant—Present

FOR THE EMPLOYER:

Francis Reisig,  
 Manager of Payroll  
 and Employee  
 Benefits.

FINDINGS OF FACT

The claimant had been employed by the Baltimore County Public Schools for almost ten years; as a Cafeteria Aide, earning \$3.68 per hour until her last day of work June 17, 1982.

In addition to this employment, the claimant had other employment with another employer where the claimant had worked thirteen years on a part-time and occasionally a full-time basis

until this employer closed down on September 17, 1981.

The claimant intends to return to work with the Baltimore County School Systems in the Fall of 1982 and has reasonable assurance of employment.

As of the time of the hearing, the claimant had partial employment.

CONCLUSIONS OF LAW

The claimant contends that since she had other employment that she should be entitled to partial Unemployment Insurance Benefits based on the other employment which ended September 17, 1981. The Appeals Referee finds that the last employment of claimant established her unemployment status and that is working in an instructional institution, and her unemployment commenced between two successive academic years and that there is reasonable assurance of the claimant's returning to work during the second school term. Therefore, the determination of the Claims Examiner will be affirmed.

DECISION

The claimant was employed by an instructional institution and that her unemployment commenced between two successive academic years, and that there is reasonable assurance of her returning to the employment, so that the claimant will be disqualified within the meaning of Section 4(f)4 of the Maryland Unemployment Insurance Law. Benefits are denied from June 20, 1982 until eligibility requirements of the Law are met.

The determination of the Claims Examiner is affirmed.

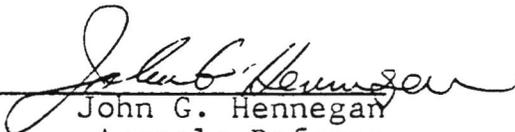
Date of Hearing: 8/6/82

rc

(4474)-Harrison

Copies mailed to:

- Claimant
- Employer
- Unemployment Insurance - Eastpoint

  
 \_\_\_\_\_  
 John G. Hennegan  
 Appeals Referee

  
 \_\_\_\_\_